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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,415	01/07/2002	David Scrivano	71157-0032	4666

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EXAMINER

ALVAREZ, RAQUEL

ART UNIT	PAPER NUMBER
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3622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/036,415

Applicant(s)

SCRIVANO ET AL.

Examiner

Raquel Alvarez

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to communication filed on 1/7/2002.
2. Claims 1-33 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Official Notice in view of publication by David Kovaka, titled "Plaza Personnel Bought After Gradual Changeover" hereinafter Kovaka.

With respect to claims 1, 11, 12, 14, 23, 25, 26, 30 and 33, Official notice is taken that there is a well known process called "renting with the option to buy" which works as follows: setting a predetermined amount of time before the purchase can be made (i.e. the seller determines a 1 year or 2 year period in which the buyer can rent with the option to buy); setting the initial purchase price in advance of the purchase (i.e. the seller and buyer predetermined a purchase price for the property); allowing for the reduction of the initial purchase price fee based on discount earned during the predetermined amount of time, wherein the final purchase price is based on the initial purchase price minus the amount of discount earned (i.e. the initial purchase price is reduced by the rent paid by the purchaser during the predetermined amount of time).

Art Unit: 3622

With respect to selecting a candidate to serve as a manager of the business and leading to owning the business. Kovaka teaches on page 1, paragraph VI bringing or selecting someone on board who would eventually buy the business. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included selecting a candidate to serve as a manager of the business and leading to owning the business because such a modification **"would be an incentive to attract an exceptional manager"**.

With respect to claims 2, 27-28, 31, Official notice is taken that it is old and well known to pre-qualify financing on a purchase price before the predetermined amount to buy begins. Official Notice is taken that it is old and well known to get pre-qualify before a person places a contract or make a purchase in order to assure the seller that the person can make the purchase. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included pre-qualify financing on a purchase price before the predetermined amount to buy begins in order to obtain the above mentioned advantage.

With respect to claims 3, 13, 15-16, 24, 31, Official Notice is taken that it is old and well known to required to pay a deposit or meet certain cash flow expectations when making a purchase as security. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included requiring to

Art Unit: 3622

pay a deposit when making a purchase in order to obtain the above mentioned advantage.

With respect to claims 4, 8-10, 20-21 Official Notice is taken that it is old and well known in certain position or profession for a person to receive salary and bonuses based on performance. For example insurance agents receive a salary plus commissions based on the amount of insurance policy sold. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included allowing a person to receive salary and bonuses based on performance in order to obtain the above mentioned advantage.

With respect to claims 5-8, 17, Official Notice is taken that it is old known to determine the value of a business based on the past annual sales because such a modification would allow to better estimate what the business is worth. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the value of a business based on the past annual sales in order to obtain the above mentioned advantage.

Claim 18 is rejected under same rationale as above rejected claims 4 and 8-10.

Claim 19, is rejected under same rationale as above rejected claims 5-8 and 17.

Claim 20 is rejected under same rationale as above rejected claims 5-8 and 17.

Art Unit: 3622

With respect to claims 11-13, 22, Official Notice is taken that it is old and well known to set up a savings account and where the owner or seller can contribute and provides training and financing as an incentive for the buyer to make the purchase. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included setting up a savings account where the owner or seller can contribute and provide training and financing to the purchaser in order to motivate the purchaser to buy from the seller.

With respect to claim 29, Official Notice is taken that it is old and well known to allow a manager to own a business that is different from the one the manager has been employed to manage in order to provide the buyer with a broad training and opportunity to use the knowledge learned to own any kind of business. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included allowing a manager to own a business that is different from the one the manager has been employed to manage in order to obtain the above mentioned advantage.

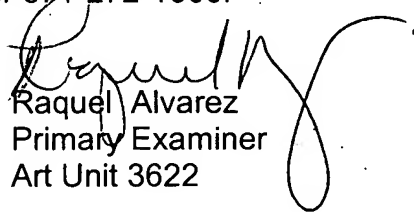
Point of contact

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

Art Unit: 3622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Raquel Alvarez
Primary Examiner
Art Unit 3622

R.A.
12/19/2006